

Republic of Serbia
Commission for Protection of Competition
No. 6/0-02-101/2012-5
Date: March 26, 2012
Beograd

President of the Commission for Protection of Competition, pursuant to Article 34 of the Law on Protection of Competition ("Official Journal of the RS", no. 51/09) and Article 121, paragraph 2, of the General Administrative Procedure Act ("Official Gazette of FRY", nos. 33/97 and 31/2001), ("Official Journal of the RS" no. 30/2010) and Article 2, item 4 of the Tariff on the level of compensation for activities within the competency of the Commission for Protection of Competition ("Official Journal of the RS", no. 49/2011) deciding under request for withdrawal of application of concentration submitted through proxy - lawyer Isidora Nikolic Savin, from law office Stanivukovic from Novi Sad, located at Sremska 4/II, on behalf of retail company "Stampa Sistem" d.o.o. from Beograd with head-office at Bulevar Mihaila Pupina 115 b, on March 26, 2012 issued a following

RESOLUTION

I Procedure initiated under application of concentration by retail company "Stampa Sistem" d.o.o. from Beograd, with head-office at Bulevar Mihaila Pupina 115 b is discontinued, and on the grounds of Resolution made by the President of the Commission continued as ex officio procedure, due to applicant's abandonment of application of concentration and withdrawal of the same.

II It is established that retail company "Stampa Sistem" d.o.o. from Beograd is obliged to pay, for issuance of this resolution, compensation in the amount of EUR 900,00 in dinar countervalue at the medium rate of exchange of National Bank of Serbia, valid at the date of payment, February 29, 2012, whereas Commission for Protection of Competition is under obligation to return the balance up to the paid amount, in the total amount of 5.410.162,06 RSD to the account of retail company "Stampa Sistem" d.o.o. from Beograd, within the period of three days from the date of this resolution becoming legally binding.

Reasoning

Proxy engaged by retail company "Stampa Sistem" d.o.o. from Beograd, lawyer Isidora Nikolic Savin from law office Stanivukovic from Novi Sad, at Sremska 4/II, on March 19, 2012 submitted to Commission for Protection of Competition explanation – submission informing Commission that company "Stampa Sistem" d.o.o. abandoned the application of concentration no. 6/0-02-101/2012-1 dated January 26, 2012 and withdrew the same.

By submission of application of concentration no. 6/0-02-101/2012-1, dated January 26, 2012, by retail company "Stampa Sistem" d.o.o. from Beograd, applicant displayed an intend to acquire, on the basis of planed business transaction, a share in capital of company "Futura Plus" d.o.o. in bankruptcy from Beograd – Zemun, which would enable establishment of control over target company.

Procedure initiated on the basis of application of concentration by retail company "Stampa Sistem" d.o.o. from Beograd, by the resolution issued by the President of the Commission on February 24, 2012, continued ex officio, in order for investigation to be conducted for establishment, whether intended concentration complies with conditions of permissibility in terms of Article 19, of the Law on Protection of Competition, that is, whether its implementation would restrict, distort or prevent competition in the market of the Republic of Serbia or part thereof, particularly if such restriction, distortion or prevention would be a result of creation or strengthening of dominant position.

In the course of investigation, applicant, pursuant to Article 121, paragraph 1 of the General Administrative Procedure Act, and with regard to letter of the Commission no. 6/0-02-101/2012-3 of March 12, 2012, provided Commission with explanation informing it of abandment from application of concentration, that is, of its withdrawal of the same until the final decision of the Commission on exemption from restrictivness of all legal acts representing legal foundation for implementation of concentration. Pursuant to provisions of Article 121, paragraph 2 of the General Administrative Procedure Act, when the party refrains from its request, authority in charge of procedure issues a resolution on discontinuation of procedure. Since the party abandoned application of concentration, that is, withdrew the same, it was decided as in enacting terms.

Considering presented and established factual state, and based on cited provisions, it is decided as in paragraph I of enacting terms.

Paragraph II contains establishment of obligation resulting from Article 2, item 4 of the Tariff on the level of compensation for activities within the competency of Commission for Protection of Competition, prescribing obligation and the level, on account of payment of compensation for issuance of act on discontinuation of procedure under application of concentration.

On account of compensation for issuance of decision on approval of concentration for procedure continued ex officio, applicant, on February 29, 2012 paid to the dinar account of Commission 5.509.330,00 RSD, representing corresponding dinar countervalue of 50.000,00 EUR defined by Tariff, at the medium rate of exchange of National Bank of Serbia at the date of payment. Procedure was finalized by resolution referred to in paragraph I of enacting terms under obligation imposed to applicant to pay expenses from paragraph II of enacting terms, whereas Commission is under obligation to pay back the amount of 5.410.162,06 RSD to the account of retail company "Stampa Sisitem" d.o.o. from Beograd.

Remedial act

Against this resolution, a representation may be made to the Council of the Commission for Protection of Competition within the period of 3 days from the date of receipt of this resolution.

President of the Commission

Vesna Jankovic